

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANDON THOMAS DUPREE,

Defendant.

CR 14-83-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on March 16, 2016. Defendant admitted he had violated Standard Condition 7 of his supervised release by using methamphetamine, he had violated Special Condition 3 of his supervised release by failing to report for substance abuse testing, and he had violated Special Condition 4 of his supervised release by failing to report for substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and sentence the Defendant to time served until March 17, 2016, followed by 34 months of supervised release. Judge Johnston also recommended that the term of supervised release include 180 days in a

residential re-entry center.

Defendant has waived his right to appeal Judge Johnston's findings and recommendations. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Condition 7 and Special Conditions 3 and 4. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of time served until March 17, 2016, followed by 34 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 38) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 16th day of March, 2016.



Brian Morris  
United States District Court Judge